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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,323

Applicant(s)

ALCAZAR ET AL.

Examiner

Qing Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070706</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to the RCE filed on July 6, 2007.
2. **Claims 27-46** are pending.
3. **Claims 1-26** have been cancelled.
4. **Claims 27-46** have been added.
5. The objection to the oath/declaration is withdrawn in view of Applicant's arguments.
6. The objection to the drawings due to a typographical error is withdrawn in view of Applicant's amendments to the drawings. However, Applicant's amendments to the drawings or specification fail to fully address the objection due to reference numbers not mentioned in the specification. Accordingly, this objection is maintained and further explained below.
7. The objection to the specification is withdrawn in view of Applicant's amendments to the specification.
8. It is noted that newly added Claims 27-46 are missing the "New" status identifier.

Response to Amendment

Drawings

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:
 - Reference number "200" in Figure 2;
 - Reference numbers "608" and "614" in Figure 6; and
 - Reference number "816" in Figures 8 and 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

10. **Claims 27-46** are objected to because of the following informalities:

- **Claims 27, 45, and 46** contain a typographical error: the initial letters “a,” “p,” and “i” in “application,” “program,” and “interface,” respectively, should be capitalized.
- **Claims 27-46** recite “application program interface (API)” as the statutory category of invention. Applicant is advised to change this statutory category of invention to read

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“Application Programming Interface (API)” for the purpose of keeping the terminology consistent throughout the specification and the claims.

- **Claims 28-32, 34, 36, and 38-43** contain a typographical error: Claims 28-32, 34, 36, and 38-43 should presumably depend on Claim 27, not Claim 1.
- **Claim 29** recites the limitation “the application program interface.” Applicant is advised to change this limitation to read “the computer-implemented API” for the purpose of providing it with proper explicit antecedent basis.
- **Claims 30-34, 39, 43, 44, and 46** recite the limitation “the API.” Applicant is advised to change this limitation to read “the computer-implemented API” for the purpose of providing it with proper explicit antecedent basis.
- **Claim 33** contains a typographical error: Claim 33 should presumably depend on Claim 32, not Claim 6.
- **Claim 35** contains a typographical error: Claim 35 should presumably depend on Claim 34, not Claim 8.
- **Claim 37** contains a typographical error: Claim 37 should presumably depend on Claim 36, not Claim 10.
- **Claim 44** contains a typographical error: Claim 44 should presumably depend on Claim 43, not Claim 17.
- **Claim 44** recites the limitation “the client computer.” Applicant is advised to change this limitation to read “the client computing system” for the purpose of providing it with proper explicit antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. **Claims 27-46** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 27, 45, and 46 recite the limitation “the necessary platforms.” There is insufficient antecedent basis for this limitation in the claims. In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading “the necessary platform” for the purpose of further examination.

Claims 28-44 depend on Claim 27 and, therefore, suffer the same deficiency as Claim 27.

Claim 41 recites the limitation “the local computing system.” There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading “the client computing system” for the purpose of further examination.

Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. **Claims 27-46** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 27-46 are directed to Application Programming Interfaces (APIs) comprising programming steps. However, the recited components of the APIs appear to lack the necessary physical components (hardware) to constitute a machine or manufacture under § 101. Therefore, these programming step limitations can be reasonably interpreted as being carried out by computer program modules—software *per se*. Thus, the claims are directed to functional descriptive material *per se*, and hence non-statutory.

The claims constitute computer programs representing computer listings *per se*. Such descriptions or expressions of the programs are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, that permits the

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computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. **Claims 27-31, 34, 36-39, and 42-44** are rejected under 35 U.S.C. 102(e) as being anticipated by **Benitez et al.** (US 7,062,567).

As per **Claim 27**, Benitez et al. disclose:

- invoking a deployment manifest to obtain manifest metadata about an application for the purpose of installing the application on a client computing system (*see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and contains the information for successfully installing applications on the client for streaming applications."*; *Column 14: 15-19, "Whenever the user chooses to install an application, the Client License*

Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107."");

- receiving the manifest metadata about the application (*see Column 14: 27-32, "The Application Stream Builder creates the Stream App Install Block 405 used to set up a client system for Streaming Application Delivery and Execution and it also creates the set of Application File Pages 406 sent to satisfy client requests by the Application Server 107."");*

- issuing a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system (*see Column 7: 7-22, "... there are certain shared library files, e.g., "foo.dll", that need to be installed on the local file system, e.g., "c:\winnt\system32\foo.dll", for the application to execute."");*

- receiving the install state of the necessary platform present on the client computing system (*see Column 7: 7-22, "For the previous example, the spoof database would contain an entry saying that "c:\winnt\system32\foo.dll" is mapped to "z:\word\winnt\system32\foo.dll" where "z:" implies that this file is accessed by the Client Streaming File System. The Client Spoofer will then redirect all accesses to "c:\winnt\system32\foo.dll" to "z:\word\winnt\system32\foo.dll". In this manner, the client system gets the effect of the file being on the local machine whereas in reality the file is streamed from the server."");*

- determining whether the application is authorized for installation on the client computing system (*see Column 13: 57-67, "The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license.""); and*

- enabling the application to be installed on the client computing system, wherein during the enabled installation, the application is available for use while being installed (see Column 12: 6-21, "*Client Application Installer 305—This component is invoked when the application needs to be installed. The Client Application Installer 305 sends a specific request to the Application Server 107 for getting the Stream App Install Block 301 for the particular application that needs to be installed.*"; Column 15: 58-63, "*The streaming file system allows applications to be run immediately by retrieving application file contents from the server as they are needed, not as the application is installed. This removes the download cost penalty of doing local installations of the application.*").

As per **Claim 28**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the manifest metadata includes information sufficient to describe the application (see Column 9: 60-67, "*e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and contains the information for successfully installing applications on the client for streaming applications.*"; Column 14: 15-19, "*Whenever the user chooses to install an application, the Client License Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107.*").

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As per **Claim 29**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API receives a parameter that identifies the application (see Column 9: 60-67, “e. Application File Pages 111—This is the one of the outputs of the “builder” as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the “builder” and contains the information for successfully installing applications on the client for streaming applications.”; Column 14: 15-19, “Whenever the user chooses to install an application, the Client License Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107.”).

As per **Claim 30**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API invokes a deployed application identity to obtain the manifest metadata about the application (see Column 9: 60-67, “e. Application File Pages 111—This is the one of the outputs of the “builder” as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the “builder” and contains the information for successfully installing applications on the client for streaming applications.”; Column 14: 15-19, “Whenever the user chooses to install an application, the Client License Manager 608 passes

the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107.").

As per **Claim 31**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API invokes both a deployment manifest and a deployed application identity to obtain the manifest metadata about the application (*see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and contains the information for successfully installing applications on the client for streaming applications."; Column 14: 15-19, "Whenever the user chooses to install an application, the Client License Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107.").*

As per **Claim 34**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API will generate a set of authorization parameters for an authorized application (*see Column 13: 57-67, "The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license.").*

As per **Claim 36**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the platform comprises one or more software modules upon which the application depends that are not part of the application (*see Column 7: 7-22, "... there are certain shared library files, e.g., "foo.dll", that need to be installed on the local file system, e.g., "c:\winnt\system32\foo.dll", for the application to execute."*).

As per **Claim 37**, the rejection of **Claim 36** is incorporated; and Benitez et al. further disclose:

- wherein the platform further comprises one or more software modules that cannot be installed as part of the installation of the application (*see Column 7: 7-22, "For the previous example, the spoof database would contain an entry saying that "c:\winnt\system32\foo.dll" is mapped to "z:\word\winnt\system32\foo.dll" where "z:" implies that this file is accessed by the Client Streaming File System. The Client Spoofer will then redirect all accesses to "c:\winnt\system32\foo.dll" to "z:\word\winnt\system32\foo.dll". In this manner, the client system gets the effect of the file being on the local machine whereas in reality the file is streamed from the server."*).

As per **Claim 38**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

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- wherein the platform is identified in an application manifest associated with the application (*see Column 7: 7-9, "The invention employs a Client Streaming File System that is used to manage specific application-related file accesses during the execution of an application."*).

As per **Claim 39**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API includes verifying a version associated with the platform (*see Column 17: 23-33, "If certain code segments need to be updated, then the code segment listing in the application root directory is simply changed and the new code segment subdirectory added. This results in the new and correct code segment subdirectory being read when it is referenced."*).

As per **Claim 42**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a license associated with the application (*see Column 13: 57-67, "The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license."*).

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As per **Claim 43**, the rejection of **Claim 27** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API includes determining if a version of the application already exists on the client computing system (*see Column 21: 17-28, "When retrieving an old file that hasn't changed, it will find the old file identifier, which can be used for the existing files in the cache. In this way, files that do not change can be reused from the cache without downloading them again."*).

As per **Claim 44**, the rejection of **Claim 43** is incorporated; and Benitez et al. further disclose:

- wherein the computer-implemented API includes downloading at least one resource associated with the application if the application does not exist on the client computing system (*see Column 14: 15-26, "The Client Application Installer 607 opens and reads that file (which engages the Client Streaming File System) and updates the Client system appropriately, including setting up the spoof database, downloading certain needed non-application-specific files, modifying the registry file, and optionally providing a list of applications pages to be prefetched to warm up the Client Stream Cache 611 with respect to the application."*).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 32, 33, and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez et al.** (US 7,062,567) in view of **Chen et al.** (US 6,496,979).

As per **Claim 32**, the rejection of **Claim 27** is incorporated; however, Benitez et al. do not disclose:

- wherein the computer-implemented API will abort the installation of the application if the platform is not present.

Chen et al. disclose:

- wherein the computer-implemented API will abort the installation of the application if the platform is not present (*see Column 11: 43-51, "... the installer module 99 can provide an indication to the user that the setup package file contains files that were compiled for a mobile device different than the current one and let the user continue or cancel the installation."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen et al. into the teaching of Benitez et al. to include wherein the computer-implemented API will abort the installation of the application if the platform is not present. The modification would be obvious because one of ordinary skill in

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the art would be motivated to resolve problems before the application setup program is in its final product state (*see Chen et al. – Column 2: 21-28*).

As per **Claim 33**, the rejection of **Claim 32** is incorporated; however, Benitez et al. do not disclose:

- wherein the computer-implemented API will return error information in conjunction with aborting the installation of the application.

Chen et al. disclose:

- wherein the computer-implemented API will return error information in conjunction with aborting the installation of the application (*see Column 10: 55-61, "... determines that the map viewer is not installed and displays an error message ... "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen et al. into the teaching of Benitez et al. to include wherein the computer-implemented API will return error information in conjunction with aborting the installation of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to provide debugging information.

As per **Claim 45**, Benitez et al. disclose:

- invoking a deployment manifest to obtain manifest metadata about an application for the purpose of installing the application on a client computing system (*see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f.*

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Stream App Install Blocks 112—This is the other output of the "builder" and contains the information for successfully installing applications on the client for streaming applications. ”;

Column 14: 15-19, “Whenever the user chooses to install an application, the Client License Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107. ”);

- receiving the manifest metadata about the application (see Column 14: 27-32, “The Application Stream Builder creates the Stream App Install Block 405 used to set up a client system for Streaming Application Delivery and Execution and it also creates the set of Application File Pages 406 sent to satisfy client requests by the Application Server 107. ”);

- issuing a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system (see Column 7: 7-22, “... there are certain shared library files, e.g., "foo.dll", that need to be installed on the local file system, e.g., "c:\winnt\system32\foo.dll", for the application to execute. ”);

- receiving the install state of the necessary platform present on the client computing system (see Column 7: 7-22, “For the previous example, the spoof database would contain an entry saying that "c:\winnt\system32\foo.dll" is mapped to "z:\word\winnt\system32\foo.dll" where "z:" implies that this file is accessed by the Client Streaming File System. The Client Spoofer will then redirect all accesses to "c:\winnt\system32\foo.dll" to "z:\word\winnt\system32\foo.dll". In this manner, the client system gets the effect of the file being on the local machine whereas in reality the file is streamed from the server. ”);

- determining whether the application is authorized for installation on the client computing system (see Column 13: 57-67, “The License Server 106 checks the Subscription 101

and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license.”); and

- enabling the application to be installed on the client computing system, wherein during the enabled installation, the application is available for use while being installed (*see Column 12: 6-21, “Client Application Installer 305—This component is invoked when the application needs to be installed. The Client Application Installer 305 sends a specific request to the Application Server 107 for getting the Stream App Install Block 301 for the particular application that needs to be installed.”; Column 15: 58-63, “The streaming file system allows applications to be run immediately by retrieving application file contents from the server as they are needed, not as the application is installed. This removes the download cost penalty of doing local installations of the application.”).*

However, Benitez et al. do not disclose:

- wherein the installation of the application is aborted if the platform is not present and error information is returned in conjunction with aborting the installation of the application.

Chen et al. disclose:

- wherein the installation of the application is aborted if the platform is not present and error information is returned in conjunction with aborting the installation of the application (*see Column 10: 55-61, “... determines that the map viewer is not installed and displays an error message ...”; Column 11: 43-51, “... the installer module 99 can provide an indication to the user that the setup package file contains files that were compiled for a mobile device different than the current one and let the user continue or cancel the installation.”).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen et al. into the teaching of Benitez et al. to include wherein the installation of the application is aborted if the platform is not present and error information is returned in conjunction with aborting the installation of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to resolve problems before the application setup program is in its final product state (see Chen et al. – Column 2: 21-28).

19. **Claims 35 and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez et al.** (US 7,062,567) in view of **Kouznetsov et al.** (US 6,931,546) and further in view of **Barzilai et al.** (US 2002/0104015).

As per **Claim 35**, the rejection of **Claim 34** is incorporated; and Benitez et al. further disclose:

- wherein the set of authorization parameters comprise at least license keys (see Column 13: 57-67, “The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license.”).

However, Benitez et al. do not disclose:

- wherein the set of authorization parameters comprise at least permission grants and privacy policy guarantees.

Kouznetsov et al. disclose:

- wherein the set of authorization parameters comprises at least permission grants (*see Column 4: 35-38, "The agent includes methods for authenticating any received requests and will only forward a request to the privileged process upon determining that the requesting application has sufficient trust."*).

Barzilai et al. disclose:

- wherein the set of authorization parameters comprises at least privacy policy guarantees (*see Paragraph [0072], "An application request handler 50 receives and processes information requests from application 36 and returns information that is provided by personal information engine 44, to the extent permitted by privacy policies."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kouznetsov et al. and Barzilai et al. into the teaching of Benitez et al. to include wherein the set of authorization parameters comprises at least permission grants and privacy policy guarantees. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

As per **Claim 46**, Benitez et al. disclose:

- invoking a deployment manifest to obtain manifest metadata about an application for the purpose of installing the application on a client computing system (*see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and contains the*

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information for successfully installing applications on the client for streaming applications.”;

Column 14: 15-19, “Whenever the user chooses to install an application, the Client License Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107.”);

- receiving the manifest metadata about the application (*see Column 14: 27-32, “The Application Stream Builder creates the Stream App Install Block 405 used to set up a client system for Streaming Application Delivery and Execution and it also creates the set of Application File Pages 406 sent to satisfy client requests by the Application Server 107.”);*

- issuing a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system (*see Column 7: 7-22, “... there are certain shared library files, e.g., “foo.dll”, that need to be installed on the local file system, e.g., “c:\winnt\system32\foo.dll”, for the application to execute.”);*

- receiving the install state of the necessary platform present on the client computing system (*see Column 7: 7-22, “For the previous example, the spoof database would contain an entry saying that “c:\winnt\system32\foo.dll” is mapped to “z:\word\winnt\system32\foo.dll” where “z:” implies that this file is accessed by the Client Streaming File System. The Client Spoofer will then redirect all accesses to “c:\winnt\system32\foo.dll” to “z:\word\winnt\system32\foo.dll”. In this manner, the client system gets the effect of the file being on the local machine whereas in reality the file is streamed from the server.”);*

- determining whether the application is authorized for installation on the client computing system, wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least license keys (*see Column 13: 57-67,*

"The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license."); and

- enabling the application to be installed on the client computing system, wherein during the enabled installation, the application is available for use while being installed (see Column 12: 6-21, *"Client Application Installer 305—This component is invoked when the application needs to be installed. The Client Application Installer 305 sends a specific request to the Application Server 107 for getting the Stream App Install Block 301 for the particular application that needs to be installed."*; Column 15: 58-63, *"The streaming file system allows applications to be run immediately by retrieving application file contents from the server as they are needed, not as the application is installed. This removes the download cost penalty of doing local installations of the application."*).

However, Benitez et al. do not disclose:

- wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least permission grants and privacy policy guarantees.

Kouznetsov et al. disclose:

- wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least permission grants (see Column 4: 35-38, *"The agent includes methods for authenticating any received requests and will only forward a request to the privileged process upon determining that the requesting application has sufficient trust."*).

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Barzilai et al. disclose:

- wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least privacy policy guarantees (*see Paragraph [0072], "An application request handler 50 receives and processes information requests from application 36 and returns information that is provided by personal information engine 44, to the extent permitted by privacy policies."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kouznetsov et al. and Barzilai et al. into the teaching of Benitez et al. to include wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least permission grants and privacy policy guarantees. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

20. **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over Benitez et al. (US 7,062,567) in view of Kouznetsov et al. (US 6,931,546).

As per **Claim 40**, the rejection of **Claim 27** is incorporated; however, Benitez et al. do not disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application exceeds a trust level associated with a source of the application.

Kouznetsov et al. disclose:

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- wherein the determination of the authorization comprises determining whether the installation of the application exceeds a trust level associated with a source of the application (*see Column 4: 35-38, "The agent includes methods for authenticating any received requests and will only forward a request to the privileged process upon determining that the requesting application has sufficient trust."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of Benitez et al. to include wherein the determination of the authorization comprises determining whether the installation of the application exceeds a trust level associated with a source of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to guard access to privileged processes (*see Kouznetsov et al. – Column 3: 43-44*).

21. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Benitez et al. (US 7,062,567) in view of Barzilai et al. (US 2002/0104015).

As per **Claim 41**, the rejection of **Claim 27** is incorporated; however, Benitez et al. do not disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the client computing system.

Barzilai et al. disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the client computing system (*see Paragraph [0072], "An application request handler 50 receives and processes information requests from application 36 and returns information that is provided by personal information engine 44, to the extend permitted by privacy policies."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barzilai et al. into the teaching of Benitez et al. to include wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the client computing system. The modification would be obvious because one of ordinary skill in the art would be motivated to protect private information (*see Barzilai et al. – Paragraph [0004]*).

Response to Arguments

22. Applicant's arguments with respect to Claims 27, 45, and 46 have been considered, but are moot in view of the new ground(s) of rejection.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

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Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WEI ZHEN
SUPERVISORY PATENT EXAMINER

QC / *QC*
August 22, 2007